

**REMARKS**

Claims 12-15 and 17-27 were previously pending in the application. By the Amendment, claims 13, 14, 17 and 18 are currently amended, claims 12, 19-23, 26 and 27 are canceled without prejudice, new claims 28-32 have been added, and claims 15, 24 and 25 remain unchanged. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The claims stand rejected under the cited prior art of record. Specifically, claims 12-15, 17-23 and 25 were rejected under 35 USC §103(a) as being unpatentable over Pacella et al. (U.S. Patent No. 3,777,989) in view of German Patent Publication DE 200 07 044 (DE '044). Additionally, claims 24, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pacella in view of DE '044 and French Patent Publication 1 265 156 to Miliotis.

**Independent Claims**

Independent claim 24 defines a dishwasher including at least one washing container having a bottom area, a top area, and a wall area that collectively form an interior of the washing container in which items to be washed can be disposed, and a spraying device for spraying washing liquid into the interior of the washing container. The spraying device has at least one spray channel operable to guide therealong a washing liquid. The spray channel is integrated into at least one of the bottom, top and wall areas of the washing container and has openings in a side of the spray channel oriented in a direction towards the interior of the washing container for the passage therethrough of washing liquid. The spraying device includes a spray cover having a substantially U-shaped cross-section, where free ends of the U-shaped spray cover are bent inward to fit the spray cover into the spray channel such that outward deflection of the free ends abuts the free ends against side walls of the spray channel.

Independent claim 25 defines a dishwasher including at least one washing container and a plurality of spraying devices for spraying washing liquid into the interior of the washing container. Each of the plurality of spraying devices has at least one spray

channel operable to guide therealong a washing liquid, where the spray channel is integrated into at least one of the bottom, top and wall areas of the washing container and has openings in a side of the spray channel oriented in a direction towards the interior of the washing container for the passage therethrough of washing liquid. The spraying devices lie in different planes within the washing container. At least the bottom area of the washing container has a multi-planar surface, where each side of the spray channels directed toward the interior of the washing container lies in one plane and defines a substantially continuous planar surface with the bottom area of the washing container.

Rejections over Prior Art

Without conceding the grounds of rejection, claim 12 has been canceled. Dependent claims 13-15, 17 and 18 have been amended to depend from independent claim 24, and new claims 28-32, corresponding to claims 13-15, 17 and 18, have been added and are dependent on independent claim 25.

With regard to independent claim 25, claim 25 defines, *inter alia*, at least the bottom area of the washing container having a multi-planar surface with multiple spray devices lying in different planes within the washing container. As described in the specification, the use of multiple spray channels arranged at different heights promotes a uniform spray distribution of the washing liquid in the washing container. According to the Office Action, although this subject matter is lacking in the cited references, “the location of the spray channels along a multi-planar surface is considered to be a rearrangement that can be optimized through routine experimentation, as it only requires a relocation of the previously disclosed parts of Pacella and ‘044.” Applicants respectfully disagree with this contention. The proposed modification would not only require rearrangement, but also complete restructuring of the apparatus. That is, in order to meet this feature of the invention, the Pacella and DE ‘044 construction would require restructuring into multiple planes and the use of multiple spray channels in the multiple planes, respectively.

Such restructuring does not amount to a mere “rearrangement that can be optimized through routine experimentation.” “Routine experimentation” relates to the

discovery of optimum or workable ranges. See, for example, *In re Aller*, 220 F.2d 454 (CCPA 1955). The change from a planar surface with a spray channel to a multi-planar surface with a corresponding plurality of spray channels requires structural design modifications and retooling of fluid conduits, water sources, etc. These modifications are not merely workable ranges, but rather require significant engineering input. The proposed modifications are thus a product of improper hindsight.

Applicants thus respectfully submit that the rejection of claim 25 is misplaced.

With regard to the dependent claims, Applicants submit that these claims are allowable at least by virtue of their dependency on an allowable independent claim and also because they recite additional patentable subject matter.

Withdrawal of the rejection is requested.

Independent claim 24 recites that the spraying device includes a spray cover having a substantially U-shaped cross-section, where free ends of the U-shaped spray cover are bent inward to fit the spray cover into the spray channel such that outward deflection of the free ends abuts the free ends against side walls of the spray channel. In this context, the Office Action contends that Miliotis discloses this subject matter. To the contrary, however, Miliotis does NOT disclose a manually releasable U-shaped channel with legs that fit into grooves. Rather, Miliotis discloses nozzle assemblies 4, 5 that are secured to a planar inside wall of a tank 1. See FIG. 1. The nozzles are connected to the tank 1 via devices 8, 9 (see page 2, first paragraph). Miliotis thus lacks at least the claimed free ends of a U-shaped spray cover fitting into a spray channel and the cooperative connection of the spray cover against the side walls of the spray channel.

Reconsideration and withdrawal of the rejection are respectfully requested.

Conclusion

In view of the above, entry of the present Amendment and allowance of Claims 13-15, 17, 18, 24, 25 and 28-32 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,

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